

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JESSICA RICH
901 W. Port Drive, Unit 911
North Myrtle Beach, SC 29582

Plaintiff,

v.

DIANA CONSULTING & SERVICES, LLC
dba SERVICON FACILITIES &
MECHANICAL SERVICES
107 Centennial Street, Suite 100A
La Plata, MD 20646

Serve:
Anne Wood
107 Centennial Street, Suite 100A
La Plata, MD 20646

And

THE RMR GROUP INC
dba RMR REAL ESTATE SERVICES
7 St. Paul Street, Suite 820
Baltimore, MD 21202

Serve:
CSC-Lawyers Incorporating Service Company
7 St. Paul Street, Suite 820
Baltimore, MD 21202

And

THE RMR GROUP LLC
dba RMR REAL ESTATE SERVICES
7 St. Paul Street, Suite 820
Baltimore, MD 21202

Serve:
CSC-Lawyers Incorporating Service Company
7 St. Paul Street, Suite 820

Case No. _____

Baltimore, MD 21202 *

And *

RMR MORTGAGE TRUST *

dba RMR REAL ESTATE SERVICES

7 St. Paul Street, Suite 820 *

Baltimore, MD 21202 *

Serve:

CSC-Lawyers Incorporating Service Company *

7 St. Paul Street, Suite 820

Baltimore, MD 21202 *

Defendants. *

Complaint
(Negligence)

1. This Honorable Court has jurisdiction of this action, which involves an amount in controversy in excess of \$75,000.00 and arises under 29 U.S.C § 1332.

2. Plaintiff Jessica Rich is a resident of the State of South Carolina.

3. Defendant Diana Consulting & Services, LLC [“Diana Consulting”] dba Servicon Facilities & Mechanical Services, is a Maryland limited liability corporation, engaged in building maintenance and HVAC, with its principal place of business in Charles County, Maryland.

4. Defendant The RMR Group, Inc. dba RMR Real Estate Services, is a Maryland corporation, involved in the management of office buildings and other facilities, with its principal place of business in the City of Baltimore.

5. Defendant The RMR Group, LLC. dba RMR Real Estate Services is a Maryland corporation, involved in the management of office buildings and other facilities, with its principal place of business in the City of Baltimore.

6. Defendant RMR Mortgage Trust dba RMR Real Estate Services is a Maryland

corporation, involved in the management of office buildings and other facilities, with its principal place of business in the City of Baltimore.

7. Under Local Rule 501, venue is appropriate in this Court because (a) diversity jurisdiction exists; (b) the majority of Maryland resident-parties reside in the Northern District of Maryland; and (c) the events described in the Complaint occurred in the Northern District.

8. At all times relevant to this Complaint, one or more of the Defendants The RMR Group, Inc, The RMR Group, LLC, and RMR Mortgage Trust [collectively, “the RMR Defendants”] provided management services for day-to-day maintenance and management of the building located at 10320 Little Patuxent Parkway, Columbia, MD 21044 [“the premises”].

9. On or about August 23, 2018, Plaintiff Jessica Rich was an employee at A2Z, Inc., which rented office space in Suite 400 at the premises.

10. On the above date, as a result of HVAC problems at the premises, one or more of the RMR Defendants hired Defendant Diana Consulting to repair the HVAC system.

11. At the above time and place, an agent, servant and/or employee of Diana Consulting climbed a ladder adjacent to Plaintiff’s desk in order to perform HVAC work in the ceiling area above Plaintiff’s desk. As the Diana Consulting employee was on the ladder and Plaintiff was in the process of leaving her desk, the Diana Consulting employee dropped a power drill, which struck Plaintiff in the head.

12. The above-described incident occurred, in part, as a result of the negligence of the Diana Consulting agent, servant and/or employee. This negligence includes:

- a. Failure to instruct Plaintiff to leave the area;
- b. Failure to wait until Plaintiff had moved from the area before using the drill;

- c. Failure to exercise due care in securely holding or operating the drill, so as not to drop it from the area above where Plaintiff was located;
- d. Failure to warn the Plaintiff; and
- e. Other and further negligence.

13. The RMR Defendants, by and through their agents, servants, and/or employees owed a continuing duty to Plaintiff, and others, to not allow or facilitate repairs in areas within the suite, especially in areas above office employees' heads, without first securing that area so that it was safe for office employees. This included the duty to remove office employees from the area where the work was to be performed; control any contractors or other entities so they would not pose an unnecessary risk to Plaintiff and other office workers; and prevent office employees from being unreasonably exposed to harm from ongoing repair work being done nearby.

14. The above-described incident occurred, in part, as a result of the negligence of the agents, servants and employees of one or more of the RMR Defendants. This negligence includes;

- a. Failure to first clear the area before any work commenced;
- b. Failure to control Diana Consulting's agent, servant, and/or employee who was working in the area above Plaintiff's head;
- c. Failure to take steps to protect the A2Z, Inc. office employees from needless exposure to risk of harm from the Diana Consulting employee who was working in the area above Plaintiff's head;
- d. Failure to warn the Plaintiff; and
- e. Other and further negligence.

15. As a result of the acts of the Defendants set out above, the Plaintiff was caused to sustain significant and permanent injury, including, but not limited to, concussion, traumatic brain injury, chronic headaches, and post-concussion syndrome. As a result of her injuries, Plaintiff has experienced, and will continue to experience, physical and mental pain and suffering. Further, Plaintiff has incurred, and will continue to incur, medical expenses, rehabilitation expenses, psychotherapy, and other related costs. Additionally, she has incurred, and will continue to incur, wage loss and other economic losses.

WHEREFORE, Plaintiff Jessica Rich seeks judgment from Defendants Diana Consulting, & Services, LLC, The RMR Group, Inc., The RMR Group, LLC, and RMR Mortgage Trust, jointly and severally, in the amount of ten million dollars (\$10,000,000.00), plus interest, costs, and any other relief that this Court deems just.

Respectfully Submitted,

/s/Daniel S. Singer
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JURY DEMAND

Plaintiff seeks a trial by jury on all issues.

/s/Daniel S. Singer
Daniel S. Singer